

DISCUSSION

A district court is required to review an M & R *de novo* if the plaintiff specifically objects to it or in cases of plain error. 28 U.S.C. § 636(b)(1)(B); *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The district court is only required to make a *de novo* determination of those specific findings to which the plaintiff has actually objected. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).


Here, the plaintiff has objected mostly to non-material findings by Magistrate Judge Webb. Such objections include: whether plaintiff alleged that chunks of ice and chemicals were dumped into Lake George from Lake Champlain; whether Magistrate Judge Webb properly characterized the complaint as rambling; and whether defendants are immune. These objections are non-material, and Magistrate Judge Webb did not find that any of the defendants were immune. Plaintiff also objects that Magistrate Judge Webb applied an improper pleading standard, but plaintiff fails to cite the controlling *Twombly* and *Iqbal* cases. This Court finds that the Magistrate Judge applied the proper pleadings standard in conducting his frivolity review. Further, plaintiff fails to object to the finding that he failed to adequately allege “minimum contacts” between the defendants and this forum state. Accordingly, the Court adopts Magistrate Judge Webb’s M&R, and plaintiff’s complaint is dismissed in its entirety.

CONCLUSION

The Court ADOPTS the Magistrate Judge’s M & R [DE 4]. Plaintiff’s complaint is DISMISSED. The clerk is directed to enter judgment accordingly and close the file.

SO ORDERED.

This the 23 day of October, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE